

1907-001 Chancery Causes: C. M. Colson vs. James H. Humphreys & Co.
Lee Co.

Gibson, Ellison, Ball, Banner

CA - Contract Dispute
T - Property

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County.

Humbly complaining, your oratrix Cora M. Colson will respectfully show unto your honor that she is the owner of, lives upon, and is in the actual and open possession of a tract of land situated in the Rose Hill District in Lee County Va. bounded and described as follows, to-wit.

Beginning at a stake or stone, where once stood a large white oak, which was corner common to four surveys, one of 400 acres in the name of George Gibson, one of 1155 acres in the name of John Jones, one of 5000 acres in the name of said John Jones and one of 1000 in the name of Andrew & Robert Crockett, thence N. 26 W. 89 poles to three white oaks, N. 45 E. 84 1/2 poles to a stake, southeast corner of the Beaty tract, thence N. 5. W. 218 poles to two white oaks and a pine corner of the field__ Beaty, Swanson, Crockett, and Crocketts survey__ Rose line, thence with a line of field and Beaty surveys S 55 W. 580 poles to a black oak and dogwood, thence S. 20 W. 84 poles to a small white oak, black oak and dogwood, thence W. 84 E. 222 poles to a pine corner of the John Jones 1155 acre tract also corner of Robert Beaty tract and Andrew & Robert Crockett 1000 acre tract, thence with a line of the John Jones and Beaty survey and Crockett survey N. 60 E. to Northwest corner of the Elizabeth Evans land, thence with a line with Elizabeth Evans and R. E. Crockett land southwestwardly to a hickory in line of John Jones survey, thence with John Jones line S. 59 W. to the Va. road to a stake on the South side thereof, thence with South side of Virginia road to the South side of Station Creek W. 86 E. to a stake South of the Virginia road, thence N. 45 E. 16 poles to a spotted oak on the South side of the Virginia road. S. 89 E. 56 poles to a stake on the South side of the old Virginia road, thence S. 52 1/2 E. 66 poles to a stake near a branch, thence E. 160 poles to a post oak, thence N. 12 W. 110 poles to a place where two white oaks stood, thence N. 12 W. 212 poles to the beginning.

From this boundary of land there should be excluded a small boundary containing three or four acres ~~to the~~ beginning at a stake in the Virginia road, the said stake standing in a line between William Woodson, Sr., and S. C. Kincaid tracts of land at the end of the 110 poles line and the beginning of the 212 pole line above described, thence S. 12 E. 22 poles to a stake, thence W. 16 poles to a stake,

thence northeastwardly with a line on the southeastern boundary of the garden ~~side~~ to the beginning.

Your orator will now further show your honor that being so seized and possessed of said tract of land, living and residing upon and in the open possession thereof, on the 14th day of May, 1901, one J. M. Hamilton and Lulu his wife pretending to have title to a certain part of the 1st above described boundary of land, but not being in the possession thereof and having no valid title thereto conveyed to one J. H. Humphreys three parcels of land containing in the aggregate 29 acres and for a more specific description thereof, reference is made to a copy of said deed which is hereby filed as a part hereof marked as exhibit "A".

Your orator will now further show your honor that the said J. H. Humphreys has had said deed recorded in deed book 39 page 20 in the clerks office of Lee County Va, and he is now setting up claims to the land described ~~in~~ in said deed.

Your orator will now further show your honor that in addition to the claim being set up by the said J. H. Humphreys that one Marshall Gibson, one Johnson Gibson, who are residents of the state of Virginia and one Jerry Ellison and one Thomas Ball and Angy Ball who are residents of the state of Tenn are setting up claims to parts and parcels of your oratrix land, but under what claim or what title, if any, your oratrix is uninformed and so far ~~have~~ been unable to find out.

Your oratrix will now further show your honor that the deed aforesaid from J. H. Hamilton and wife to the said J. H. Humphreys constitutes a cloud on her title, that the claims set up by the said Marshall Gibson, Johnson Gibson, Jerry Ellison, Thomas Ball, and Angy Ball constitutes likewise clouds upon her title that they are vexatious and annoying and that these claims are very seriously embarrassing her in the possession and ~~ownership~~ of her said tract of land and are rendering the value thereof precarious and uncertain and she is advised she has right to have said clouds removed from her title and that she be quiet in the possession and ~~ownership~~ of her said tract of land.

Now the object of this bill is to remove said clouds from said title and to quiet the title and possession thereof and to this end she prays that James H. Humphreys, Marshall Gibson, Johnson Gibson, Jerry Ellison, Thomas Ball, and Angy Ball be made the parties defendant

to this bill and that they each be required to answer the same, but they need not answer under oath, answer under oath being expressly waived and that upon a hearing the clouds resting upon the title of *you* oratrix land be removed and that said title be quieted and that she be quieted in the title and in the possession of the same and for full and complete and general relief.

Remington Bros
Duncan & Briddle,

C. M. Colson
vs. { Bill in Chg.
James H. Humphreys
Filed February, 6, 1907
A. C. D. Ewing, Clerk

To the Hon. H.A.W.Skeen, Judge of the Circuit Court of
Lee County, Virginia:-

Paragraph 1. Your orators ^{W.F. Colson} C. M. Colson, a resident of Lee County,
Virginia, humbly complaining respectfully sheweth unto the court
that she is the owner, and in possession of the following de-
scribed tract of land lying in Lee County, Virginia, and
bounded as follows:

Beginning at a point 22 poles S. 12E. from the present
Virginia road; thence northwardly 212 poles to a stake, corner
of John Jones 1155 acre survey; thence north eastwardly cross-
ing Station Creek to two white oaks and a pine, a corner of
Crockett's and Roses land; thence S. 55 W. 580 poles to a
black oak and dogwood; S. 20 W. 84 poles to a ~~small~~ white oak,
black oak and dogwood; thence a direct line to a pine, corner in
the line of the John Jones 1155 acre survey; thence with
John Jones line to the corner between R.E. Crockett and William
Woodson; thence with the line S. 12 W. to a stake in the closing
line of John Jones 3000 acre tract; thence with the same to the
present Virginia road; thence with the south side of same to
Station Creek; N. 86 1/2 E. 33 poles to a stake in south side of
Virginia road; N. 42 E. 16 poles to a stake or spotted oak; S.
89 E. 56 poles to a stake on the south side of old Virginia road
S. 53 1/2 66 poles to a stake near a branch; East 160 poles to
a stake; thence N. 12 W. to fence of J. C. Hughes; thence with
said fence south westwardly to western boundary of J. C. Hughes
enclosure; thence with same to Virginia road; thence with
Virginia road to a point in Virginia road N. 12 W. 2 poles from
the beginning.

Your orator will further show that said land is covered
by the following deeds and title papers under which your orator
claims title to said land, which said deeds and title papers

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are as follows:

A patent dated August 6th, 1810 from the common-wealth of Virginia to Robert Beaty for 500 acres of land, a copy of which patent will be filed herewith if required,

A patent from the Commonwealth of Virginia to John Jones 1155 acres, bearing date the ____ day of _____, 179__, a certified copy of which survey &c. will be filed herewith if required.

A patent from the Commonwealth of Virginia to John Jones for 3000 acres, a copy of which will be filed as a part hereof.

Your orator will further show that on the first day of September, 1837, there was ^{Con}surveyed to Andrew Woodson and William Woodson several tracts of land in Lee County, Virginia, by Andrew and Ann Crockett, among said tracts of land was one for seventy-five acres and that said deeds of conveyance are duly recorded in the office of the clerk of Lee County court State of Virginia, on the ____ day of _____, 18__, in deed book 8, pages 37-38-39-40-41, and reference is hereby made to copies of said deeds for a more particular description of said lands.

That on the 18 day of June, 1850, by a deed duly executed, acknowledged, signed, sealed and delivered, said Andrew Woodson sold and conveyed to William Woodson the several

tracts of land as therein described, and that said deed was duly recorded in the office of the clerk of the Lee County Court State of Virginia, in deed book ____ page ____, and reference is hereby made to a copy of said deed filed marked exhibit ____ for a more particular description of said land.

That among the tract conveyed by said Woodson to said William Woodson before referred to, was one for one hundred and fifty acres and one for seventy-five acres.

Your orator will further show that on the ¹³13 day of November, 1861, the said Andrew Woodson and William Woodson in order to settle all questions as to the location of said land lands, came to a mutual agreement by which it was agreed and understood that the lines should begin at a point known as a corner of the John Jones 1155 acre and Gibson's 400 acre survey; thence South 12 E. 212 poles to two white oaks standing on south side of Kentucky road ; thence same course continued 110 poles to a post oak stump standing near Virginia and Tennessee line; thence west 160 poles to a stake near a branch; N. 53 1/2 W. 266 poles to a stake on the south side of the old Virginia road; N. 89 W. 56 poles to a spotted oak on the south side of same; S. 42 W. 16 poles to a stake on south side of same; S. 83 1/2 W. 33 poles to a stake on Station Creek; thence with the south side of Virginia road to closing line of John Jones 3000 acre survey; thence with same to beginning.

(4).

Your orator will show that on the
16th day of 1894 - W. G. Colson
conveyed said land to E. M. Colson -
by deed duly executed - signed - sealed
and delivered - acknowledged ^{certified} ^{copy of} - which
deed or the original will be filed here
with as a part hereof

Said deed is recorded in the office
of the Clerk of the Lee County Court
State of Virginia - in deed book
Page -

That on the 10th day of January 1848 William
& Joshua Hamilton sold and conveyed
to Wm. Woodson - one hundred and fifty
acres of land - lying on Station Creek
in Lee County Virginia - which deed
was duly executed - signed - sealed and
delivered by said Joshua Hamilton his wife
wife Eliza Hamilton & William Hamilton
his wife Pennele Hamilton - which said
deed is duly is duly recorded in the
office of the Clerk of the Lee County Court
State of Virginia - which together
with a certified copy of same ^{is} ~~will~~ be filed
here with as a part hereof & for a more
particular description of land. reference is hereby
made to said deed

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Your orator alleges and charges that said agreement was in writing and that same was signed and sealed by each Andrew Woodson and William Woodson, and attested by three subscribing witnesses, vis; Bayles Sumate and Samuel Sumate and W.H. Carmack, and delivered by Andrew Woodson ^h ^h to William Woodson and that it was agreed in said writing that Willaim Woodson should have the boundary of land described in said agreement and Andrew Woodson line to bound on same..

A ~~copy of the~~ ^{copy of which} agreement ~~is~~ ^{is} filed herewith as a part hereof. Your orator will further show that from the date of the deed from A.D. Woodson to Willism Woodson as recorded in deed book 12, page 567, and from the date of the execution of said named agreement, William Woodson had possession of the last above described tract of land in connection with other tracts up to the time of his death, and that after or about the time of his dath D. K. Young, ^{to wit: Nov. 11th 1884} Elizabeth young, William Woodson jr. and Andrew Woodson, ^{Junior} Elizzbeth Young being a daughter of William Woodson Sr. and said Willaim Woodson Jr. and Andrew Woodson, ^{Jr.} being sons of said Willaim Woodson Sr. Deceased), ^{either} Elizzbeth Young, or she and her two brothers took and held possession of the same, until about the fall of 1885, when possession of same was delivered by them to W. G. Colson, and that said Colson took and held possession of same until about the year 1894; that said Colson or those claiming under him, are now in possession of the boundaty as described in paragraph one.

Your orator will show that on the ____ day of September 1885, D. K. Young and Elizabeth young sold and conveyed ^{Said land} to W. G. Colson and J.M. Wheeler, that on the ____ day of ____ 1900, a deed duly executed, signed, sealed and delivered to

said Colson, and that said deed is now on record in the clerk's office of the Lee County Court, in deed book ____ page ___, a certified copy of which will be filed herewith if required, and that on the ____ day of _____, 1888, A.D., Woodson and his wife, Lucy, by a deed duly executed signed, sealed and delivered (having theretofore sold all their right, title and intrest in said land to W. G. Colson) conveyed all their right tile claim and interest thereon to him.

That on the 30th, day of June, 1884, Willsim Woodson, ~~sen~~ ~~senior~~, conveyed all the ~~af~~ ~~foresaid~~ boundary of land, except a protion of land west of land running from R.E. Crockett to Elizabeth Young. A copy of which deed is filed herewith as a part hereof, for a more particular description, of which reference is made to same, whcih deed is recorde in deed book 21, page 152.

That on the ____ day of _____, william Woodson, Sr. Made a will giving all the remaining portion of said boundary as described in paragraph one, to his children, Elizabeth Young, Andrew Woodson and William Woodson, which ^{will} is duly recorded in the clerks office of the Lee County Court in the state of Virginia in will book ____ page ___, a copy of which will be filed herewith as part hereof.

Plaintiff says that she and those under whom she claims ~~those~~ ^{claiming under her} have been in the actual, open, notorious possession of said land for a period of ~~fifty~~ years or more (claiming same as their own as against the whole world) Next before the ~~is~~ ^{is suit} and that she is now in the possession of same. Your orator will show that while so in possession of same, to-wit: J. M. Hamiltin

(7)

G. P. Morrison

J.H.Humphrey, Jerry Ellison all setting up same kind of a pretended claim to a portion of land under Lula E. Hamilton, who claims under a title from Andrew Woodson. Who conveyed all the land described in paragraph "1", to William Woodson Sr. ^{in the party's title} as evidenced by the written agreement as seen in deed in deed book ____ page, ____ and ded as seen in deed book 12, page 567. Each of which is herein before referred to have gone on same portion of said land and cut, destroyed and removed cedar trees and other timber to the value of three hundred and fifty (\$350- dollars, and that each of said parties threatened to continue to do so. that Jerry Ellison, J.M.Hamilton Lula E. Hamilton, ^{are} are non-residents of the state of Virginia and live in the state of Tennessee, and that James H. Humphrey is insolvent, and that each of parties threatened to do other depredations on said land and that by the cutting, removing or otherwise destroying of said timber, your orator sustained ^{has} great and irreparable damages. And that W.B.Stedham setting some kind of a pretended claim to a portion of said land ^{and} mining iron ore therefrom and selling ^{same} to George P. Morrison, just how much the plaintiff does not know, but plaintiff alleges that said W. B. Stedham is in solvent and that he and J.H.Humphrey, threatened to take and remove iron ore and timber from a portion of plaintiff's land which will result in great and irreparable damage and injury. Your orator says J. M. Hamilton, Lula E. Hamilton Jerry Ellison, are setting up some kind of a pretended title to a portion of the land herein described, the object of the bill is to quiet the title and ^{set} possession of your orator to the said land and iron ore, and to enjoin and inhibit all of the said parties from cutting, destroying or removing timber from said lands or mining ^{or} therefrom or removing or selling ^{either iron ore or timber}

The prayer of your oratoris, that the said J.H Humphrey, J.M. Ellison, J. M. Hamiltom and Lula E. Halilton be made parties defendant to this bill, and be required to answer same, but not under oath that being expressly waived; that the title of your orator to said land be quieted. That an injunction be granted your orator enjoining and inhibiting said J.H.Humphrey, Jerry Ellison, J.M. Hamilton and Lula Hamilton their agents, ~~agents~~ ^{agents} or empoyers from mining, removing or destroying iron ore, and from cutting any timber therefrom and from traveling in any way over said land until the further order of this court, that the defendant be summoned to answer herein.

Your orator prays for all other, further and general relief as is agreeable to equity, and is suitable to its case. May sub panna issue &c. And your orator will ever pray.

C. M. Colson

W. G. Colson

The affiant, W. G. Colson, says that all the statements and matters set out and stated in the foregoing bill are of his own knowledge ~~from~~ in an true, and those stated upon information of others are true.

November 13th 1902

W. G. Colson

subscribed & sworn to before me by W. G. Colson who says the statements of the foregoing affidavit are true.

A. J. Mursey, Clerk

An injunction is granted in accordance with the
prayer of this bill. restraining the defendants, J. M.
Humphrey, J. M. Hamilton, Lula E. Hamilton, G. P. Mer-
rim, their agents, servants or employees and Jerry
Ellison - from mining, moving or disposing of
any iron ore on said land. also from cutting,
destroying, removing or otherwise disposing of ~~any~~
any timber, lumber, on said land - and from travelling
over said land in any way.

But before this injunction shall take effect, the
Plaintiff or some one for Plaintiff shall enter
into and acknowledge for Plaintiff with
good and security before the Clerk of the Lee
County Circuit Court, in the penalty of
Three hundred dollars as prescribed

by law

November 13-1902

To A. B. Murrey

Clerk

H. A. W. Dyer
Judge of Lee
County Circuit
Court

C. M. Colson
vs
J. M. Hamilton
J. H. Humphrey &c
defendants

C. M. COLSON-----COMPLAINANT

-VS- SEPARATE ANSWER OF JAMES H. HUMPHREYS

JAMES H. HUMPHREYS, ET AL-----RESPONDENTS.

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia:

The spearate answer of James H. Humphreys to the bill of complainant filed in your Honor's court in the above styled suit, ~~that~~ the first February rules, 1907, in which the said C. M. Colson is complainant and this respondent, and others, are defendants.

-----cOc-----

For answer to said bill of complaint, or to so much thereof as this respondent is advised it is material for him to answer, answering sayd:

First:- This respondent denies that the said complainant is owner of, or that she lives upon, or that she is in the actual and open possession of the tract of land mentioned in the said complainant's bill.

This respondent supposes that the said complainant has some kind of paper whereby she lays claim to all of the land mentioned in said bill of complaint, but this he neither admits or denies, but requires proof thereof. This respondent, however, says that he is the owner of certain portions of the land mentioned in said complainant's bill; that he has deeds therefor, and that he and his vendors have been in the actual,

open, notorious and exclusive possession of that part of said land claimed by your respondent, from ten to forty years, claiming the same as their own, and to the extent of the boundary as mentioned and described in their respective deed, as will hereinafter be mentioned and referred to.

This respondent will now setforth his title and claim to so much of said boundary of land as he claims as his own.

FIRST: The land mentioned in a deed bearing the date of the second day of January, 1899, between Floyd H. Wilson, and Mary Wilson, his wife, and said respondent, a copy of which said deed is herewith filed and is asked to be read and treated as a part of this answer, marked "A".

The amount of land claimed by this respondent by reason of the aforesaid deed is composed of two tracts, one of which contains about five (5) acres and the other six (6) acres and one hundred and fifty-three square poles, more or less, and being the same land conveyed by George W. Ball and Nancy Ball to Floyd Wilson by two deeds, one bearing date the 16th day of December, 1890, and the other on the 8th day of August, 1895, copies of which said deeds will be filed if necessary, and which said tracts of land are bounded as follows:

Beginning at a stake on or near the old Gibson corner, now in the Kincaid line; thence S 17-1/2 W 34 poles to a stake at the foot of the hill in the Andy Woodson line; thence S 18 W 12 poles to a stake in said line; thence S 43 E 36 poles to a forked white oak inside the field; thence N 57-3/4 E 38 poles to a large water oak in Kincaid's line; thence with said line N 40 W 22 poles to a stake; thence with said line N 41-1/2 W 42-1/4 poles to the Beginning.

The second tract of said land as claimed by this

respondent is the same as is described in a deedbearing date of the 14th day of May, 1901, between J. M. Hamilton and Lula E. Hamilton, his wife, parties of the first part, and this respondent, as party of the second part, a copy of which said deed is herewith filed, marked "B", and asked to be read and treated as a part of this answer, and which said land is described as follows:

Beginning at a stake, supposed to be the Gibson or Ball hill corner; thence S 19-1/2 W 34 poles to a stake; thence S 18 W 12 poles to Brook's corner, a stake; thence S 21 W 36 poles, with Brook's line to a double cedar; thence N 69 W 60-1/2 poles to a stake, two feet west of a small cedar marked as a pointer, also three and a half feet west of small cedar near the Virginia road; thence N 56-1/2 E 99 poles and 5 links to the beginning, and containing Fifteen and one-half acres, more or less.

Also another small tract of land, containing Ten acres, more or less, and bounded as follows, to-wit:

Beginning at a stake with hickory and cedar pointers on Cedar Hill; thence S 52 W 28 poles to a post oak stump and small cedar; North-east corner of Dower; thence S 69 E 75 poles to a post oak and two small cedars in Brook's line; thence with Brook's line N 21 E 23-3/4 poles to a double cedar, corner of above tract; thence N 69 W 60-1/2 poles to the beginning.

Also another small tract of land containing four acres, more or less, and bounded and described as follows, to-wit: Beginning at a stake two feet west of a small cedar, and three and a half feet west of small cedar marked as pointer; thence N 56-1/2 E 99 poles and 5 links to a stake, supposed to be the Gibson or Ball Hill corner; thence N

12 W 10 poles to a rock at Virginia road marked with letter "A"; thence Westwardly with said road to the beginning.

This respondent is informed and here alleges that the said complainant has not at present, and never did have, any rights, claim or interest in and to the tracts of land described by the respondent in this, his answer; that as to the other land mentioned in said complainant's bill this respondent knows nothing of the claim of said complainant, and cares but little concerning it. He does insist, however, that said complainant has never been in possession of a single foot of the land claimed by this ^{Respondent} ~~complainant~~, and described in this answer, and having now fully answered so much of the complainant's bill as he is advised that it is material for him to answer, and denying all of the allegations of said bill not herein specifically answered or admitted to be true, this respondent prays hence to be dismissed with his reasonable cost in this behalf expended.

Orrel Hovel f. d. .

C. M. Colson,

-vs-

James H. Humphreys et al

SEPARATE ANSWER OF
JAMES H. HUMPHREYS TO
BILL OF COMPLAINT

*Filed 1st Apr. Rules, 1901.
H.C.S. Ewing, Clerk*

The deposition of Granville Banner
Taken on The 1st day of November 1900.
at the Law office of J. H. S. Morrison, at Cumberland
Gap, Tennessee, by agreement of both parties.
To be read as evidence in an action between
Julia E. Hunter, Plaintiff, and W. S. Col-
son, & defendant, pending in the Circuit
Court of Lee County, Virginia, on be-
half of defendant

1st. State your age, residence and oc-
cupation.

Answer. I am 63 years old. reside in South
district of Blair County and am a far-
mer.

2nd. Are you acquainted with the parties to
this suit? I am

3^d. State whether or not you ever lived
at the place where Lewis Brooks now
lives.

Ans. I did, one year.

4th. About how long since?

Ans. About eighteen years, or near as
I remember.

5th. Are you acquainted with the location
of the land in controversy in this suit?

if so, how long have you known it?

Ans. Yes sir, I know the land. I have been acquainted with the surrounding country there 40 or 45 years, I have known this place about eighteen years.

6th. From or under whom did you live on the Brooks place?

Ans. Jeff. Pursifield.

7th. From whom did said Jeff. Pursifield derive title to said land on which you then resided?

Ans. From Andy Woodson's estate.

8th. What relation if any was said Pursifield to Andrew Woodson of record?

Ans. Son-in-law

9th. Can you tell how the line of the said Pursifield's land ran on the western boundary thereof - as you then understood it?

Ans. I rented of Pursifield, and there was a road running down south from the state road; it ran down some thing like two hundred yards; then the road turned rather southwest - a line - a fence on each side, ran some 50 or 75 yards.

10th. Are you acquainted with the field around the house occupied by J. H. Woodson at his death? How long have you known it? Who owned said field when you

first knew it?

Ans. I am acquainted with this field, and have known it ever since I rented of Pursefield, about 18 years. I have known it long, but never paid any attention to it until about that time. I rented of Pursefield, thought I was getting this field, but people told me it belonged to old Bill Woodson, and I would not have anything to do with it.

11th. Who used & controlled it that year?

Ans. Well sir, I don't know. I had the farm rented, somebody controlled, I don't know who.

12th. State whether or not there was a lane running in part on the western boundary of Brooks land during year you lived on same.

Ans. There was a lane, yes, sir.

13. State whether or not the lane ran as far as the ^{lines on the eastern boundary of} land enclosed around the J. H. Woodson house.

Ans. It ran as far as I had any thing to do with the Pursefield land. It probably ran two hundred yards from the State road. It ran 150 yards from the Rowan Woodson house ^{South} to the Pursefield land where I had rented; then it cornered then - a short turn and ran right up the hill next a pretty steep place.

When land was that on the west of
the lane? -

Ans. Pursiford, Andy. Woods - On the west-
you mean. Pursiford. That is the land
I supposed to be Pursiford. & they told me
it was old Bill Woods.

13. In your answer to previous questions - before
you made the ~~statement~~ in your answer - Pursiford,
Andy Woods - did you fully understand
same? -

Ans. I don't know whether I did or not -
probably I did. On the west of the lane
was the land they told me was old
Bill Woods. It was bearing in my
mind that it was North but I reckon
it was west.

Cross Examined

1 Q. You are well acquainted with the
land in controversy are you not - that
is I mean how it lies and how the
road or corner run?

Ans. Yes sir.

2 Q. You have been seeing it constantly
for a period of eighteen years, and a
portion of the time had it rented and
cultivated, didn't you?

That is right sir. I am referring to the Pursiford land.

3 Q. How long did you cultivate the Pursifield land; and how much did you pay for the farm while you used it?
Ans. one year. I paid one third of grain raised.

4 Q. When you rented this farm, who was it that told you the field where the Roman Woodson house is belonged to W^m Woodson?

Ans. I can't remember. It was a sort of rumor around.

5 Q. W^m Woodson did not prevent you from cultivating this field did he?

Ans. He did not sir.

6 Q. You mean to say then that Mr. Pursifield rented you this land, as a representation of the Andy Woodson estate, and that because of outside rumor, not coming from W^m Woodson, you did not cultivate it, do you?

Ans. I do.

7 Q. This faint rumor then is all you know about it?

Ans. Just what people told me is all I know about the land.

8 Q. Who was the last person to tell you this?

Ans. I can not tell.

9 Q. Mr. Pursifield as Andy Woodson's representative, had this field in possession, claimed it as a part of the Andy Woodson land, and so rented it to you did he

be not?

Ans. Yes Sir. I do not know that Pursifull had it in possession. I just imagined that it ~~was~~ belonged to the Pursifull ^{land} that I had rented -

10 Q. Is it not a fact that when I read the above question No. 9 to you that you promptly answered "yes sir" but afterwards at the suggestion of ~~the~~ Mr. Colson added the remaining part of the question?

Ans. I meant all the time that it belonged to the Pursifull land as I thought when I rented the Pursifull land - The suggestion did not make any change with me whatever.

11 Q. I am so repeatedly requested you since I began this cross examination to listen carefully to the questions asked you, and not to begin answering until you had made up your mind what you wanted to say?

Ans. You said so one time I remember.

12 Q. Well I now say it - again; and also ask you to describe by the road and fence the boundary you rented 18 years ago, from Pursifull as the representation of the ~~And~~ Andy Woodson estate.

Answer. The line between old Billy Woodson on the east: - running to the Rose (land) line with

the Rose line to the County road; thence
into the County road to the land which
cleared out to the rail road then or a little
the across. thence into the fence out
to the lane I was speaking of
(I had nothing to do with the woods.)
running with that lane then to the
beginning - I cut fire wood out side
of the cleared land west of where rail road
now is. there was no rail road then then

- 13 Q. This boundary includes all of the land
you rented except a little in what was
known as the ninety acre field down
near what is known as the Butler house
don't you?

Ans. That's right.

- 14 Q. But this boundary ~~which~~ ~~is~~ ~~included~~
you, also included the field where the
Rome Woodson house is, did it not?

Ans. When I rented I understood that field
belonged to Pursifull place & I after
wards understood it did not - so I
did not take it.

- 15 Q. Pursifull rented it to you as a part
of the Andy Woodson land, did not he?

Yes Sir. I understood it to be the Pursifull
land.

- 16 Q. No one cultivated it the year you had
the Pursifull land did they?

I can't say.

17 Q. You never knew Mr Woodson to exercise any authority on this field did you?

Ans. No Sir. I did not.

18 Q. And you never heard of him claiming - it did you?

Ans. After I rented. I heard of it. I heard the rumor - People told me old Bill Woodson claimed it.

19 Q. How far was it from the land you had rented of Purisfield on to Mr Woodson's residence?

Ans. About one half mile.

20 Q. You mean to say then that you abandoned this field after you heard this rumor, without ever going to see Mr Woodson, and ascertaining whether or not he claimed it?

Ans. I did Sir. I said nothing to anybody.

21 Q. Who built the house where Rorer Woodson lived - I mean what is known in this corner as the Rorer Woodson house?

Ans. I do not know.

22 Q. Who has been living in the Rorer Woodson house since you rented from Purisfield? The Rorer Woodson house was not there when I rented. I do not know who all has been there since.

23 Q. Are there more than one house in this field, or so who has lived in the other one since you have been on this land?

Ans. I have no recollection of any other house.

24 Q. Your acquaintance of this land during the last 18 years then has not been such as to make you remember but one house on it has it? Ans. That is all the house I know of at the Rome place. years ago there was a house near the road - or near the garden or probably where the garden was, or is now - out next to the Floyd Wilson house.

25 Q. You don't remember then the old house just above what is now the called the Rome Madison house, do you?

Ans. I do not

26 Q. How long ago was it that Rome Madison lived on this disputed land?

Ans. I do not know how long it has been

27 Q. Who rented to Rome when he went there?

Ans. I can't tell you Sir.

28 Q. Then all you know about this land is the rumor you heard eighteen years ago

when you rented it from Pursefield as
a part of the Andy Woodson estate?
Ans. Yes Sir -

Re examined.

1st. State whether or not Jeff Pursefield ever
made any effort to put you in possession
of the land in controversy herein.

Ans. He didn't make any effort.

2nd. Under whom did Earles ^{property} live - when
he occupied the house heretofore mention-
ed in your answer to question 24. cross exam-
ination

Ans. Old Bill Woodson, I always under-
stood.

Re cross-examined.

1^Q. Pursefield rented you that farm then,
and the boundary he rented you
included the land in controversy did
it not?

Ans. Yes Sir. as I told you I supposed that
field belonged to Pursefield it was not
named. That little field was not. I just
supposed it belonged to Pursefield.

2^Q. When you rented from Pursefield
did or not the boundary you rented
include the field which is now in con-

transy? Answer yes, or no.

Ans. That field was not mentioned.

3 Q. Why then have you been stating in your deposition that you rented it, and that after you heard the answer about Mr. Woodson owning it, you let it go?

Ans. Did not I say I supposed it to be in the boundary I rented.

4 Q. Did you ever complain to Prunifield about not getting possession of that field?

Ans. I did not.

5 Q. You say that you understood you got that field in your rental from Prunifield, do you not?

Ans. Yes I thought it belonged to the farm I was getting.

6 Q. No one ever told you that old man Parker held his house in opoke of under Mr. Woodson? Any body?

Answer now tell me. It was just as I supposed.

Attest
J. P. Norman
W. S. Coleman.

his
Granville B. Brown
mailed

We hereby again formally confirm and
certify and agree that the foregoing depo-

W. H. Leeson
adv. Depositions
Julia E. Hamilton
Received by mail
in good condition
+ filed Nov 9th 1900
A. B. Munsey CLK

Granville Bowen
- Taken Nov 1-1900

sition may be placed in file and read
read in evidence by either party subject
to exceptions for incompetent matter only
there contained. We further agree that J. W.
Barnes may mail same to the Clerk without
any formality etc. H. Leeson.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

James S. Humphreys, Marshal Gibson, Jerry Ellison, Thomas Ball and Angie Ball,

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the *1st* Monday in *February*, 190*7*, to answer a bill in chancery exhibited against *them* by *L. M. Gibson,*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *23rd* day of *January*, 190*7*, and 1 *31st* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk.

_____, Clerk.